

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON DIVISION**

**KEITH LOWE,**

**Plaintiff,**

**vs.**

**Civil Action No. 2:25-cv-00272**

**SUPERINTENDENT JOHN FRAME and  
ACTING COMMISSIONER LANCE YARDLEY,**

**Defendants.**

**ORDER**

On July 9, 2025, the undersigned entered an Order finding that as asserted in the Plaintiff's *Motion for Order Facilitate the Release of Records in Related Mental Hygiene Case* (ECF No. 46), the Plaintiff has plausibly alleged some relevance between the mental hygiene records and the issues raised in this proceeding. Additionally, the undersigned ordered that the Circuit Court of Fayette County, West Virginia, produce *ex parte* and *in camera* via email the Plaintiff's mental hygiene records, including any recording and/or transcript of the probable cause hearing in the matter of *In RE: Involuntary Commitment of Keith William Lowe*, Case No. 25-MH-25-PC filed in the Circuit Court of Fayette County, West Virginia, and all related documents.

On July 14, 2025, the Chief Deputy Circuit Clerk for the Fayette County Circuit Court complied with the undersigned's Order and submitted the requested materials, however, it was represented to the undersigned that the Clerk of the Fayette County Circuit Court does not possess any recording or transcripts of the hearing proceedings.

The undersigned has since been advised that the mental hygiene commissioner, Mr. Evan Dove, has a recording of the probable cause hearing from the involuntary commitment

proceedings involving this Plaintiff. Accordingly, pursuant to W. Va. Code § 27-3-1(b)(3), the Court **ORDERS** that any recordings from the Plaintiff's May 30, 2025 probable cause hearing and the June 30, 2025 final commitment hearing be produced to this Court for *in camera* review to assist the Court in determining the sufficient relevancy in the instant matter. The Court hereby **DIRECTS** Evan Dove, Mental Hygiene Commissioner, to produce these recordings the undersigned as expeditiously as possible at the Elizabeth Kee Federal Building, Room 2200, 601 Federal Street, Bluefield, West Virginia 24701.

The Clerk is requested to distribute a copy of this Order to all counsel of record, to Evan Dove, P.O. Box 746, Fayetteville, West Virginia 25840, and to any interested party.

**ENTER: July 25, 2025.**



A handwritten signature in blue ink, reading "Omar J. Aboulhosn".

Omar J. Aboulhosn  
United States Magistrate Judge